

IN RE FEDERAL ACKNOWLEDGMENT	: Order Docketing and Dismissing
OF THE GOLDEN HILL PAUGUSSETT	: Appeal
TRIBE	:
	:
	: Docket No. IBIA 99-74-A
	:
	:
	: June 24, 1999

On June 23, 1999, the Board of Indian Appeals received a notice of appeal from the State of Connecticut and the Attorney General of Connecticut. Appellants seek review of a May 24, 1999, decision issued by the Deputy Assistant Secretary - Indian Affairs concerning a petition for acknowledgment of the Golden Hill Paugussett Tribe. The Deputy Assistant Secretary issued his decision following the Board's decision in In re Federal Acknowledgment of the Golden Hill Paugussett Tribe, 32 IBIA 216, 33 IBIA 4 (1998), and a December 22, 1998, request by the Secretary of the Interior for a reconsidered decision in the matter. The Deputy Assistant Secretary's May 24, 1999, decision is titled "Reconsideration of the Final Determination and Order Directing Full Consideration of the Documented Petition of the Golden Hill Paugussett Tribe under All Seven Mandatory Criteria."

Appellants state that they appeal "pursuant to 25 C.F.R. § 2.4(e) and 43 C.F.R. § 4.330." Notice of Appeal at 1.

Appellants disregard 25 C.F.R. § 2.3(b), which provides: "This part [i.e., 25 C.F.R. Part 2, containing the Bureau of Indian Affairs' general appeal regulations] does not apply if any other regulation or Federal statute provides a different administrative appeal procedure applicable to a specific type of decision." With respect to decisions concerning the acknowledgment of Indian tribes, a different administrative appeal procedure is provided in 25 C.F.R. § 83.11. The Board's jurisdiction over such decisions is described in that section. See, e.g., 25 C.F.R. § 83.11(d), (e).

The Board's general review authority is set out in 43 C.F.R. § 4.1(b)(2), which provides: "Board of Indian Appeals. The Board decides finally for the Department appeals to the head of the Department pertaining to: (i) Administrative actions of officials of the Bureau of Indian Affairs, issued under 25 CFR chapter I, except as limited in 25 CFR chapter I or § 4.330 of this part."

25 C.F.R. § 83.11, insofar as it establishes the Board's jurisdiction over acknowledgment decisions, is a limitation appearing in 25 C.F.R. Chapter I. Nothing in 25 C.F.R. § 2.4(e) or 43 C.F.R. § 4.330 overcomes that limitation.

25 C.F.R. § 83.11 does not vest the Board with jurisdiction over this appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed for lack of jurisdiction.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge